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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,698	10/22/2003	Kazuo Okada	244255US3	4658
22850	7590	03/17/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
THOMASSON, MEAGAN J				
ART UNIT		PAPER NUMBER		
3714				
NOTIFICATION DATE		DELIVERY MODE		
03/17/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/689,698

Applicant(s)

OKADA, KAZUO

Examiner

MEAGAN THOMASSON

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/26/2007 has been entered.

Response to Amendment

The examiner acknowledges the amendment made to claim 1. Claims 1-7 are pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al. (US 5,725,210).

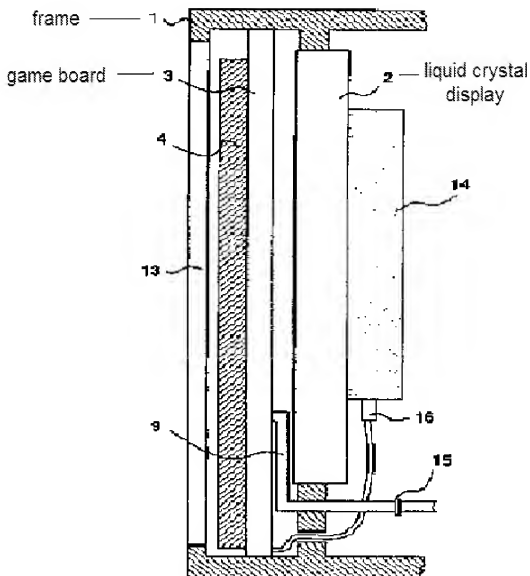
Yamaguchi et al. (herein referred to as Yamaguchi) discloses a pachinko style gaming machine comprising a gaming board having at least one winning hole whereby a prescribed number of balls is paid out as the ball falls into the winning hole. Yamaguchi refers to the "winning hole" as a winning port 7 in Fig. 2 and in col. 4, line 22; as well as in col. 2, lines 48-50. The gaming machine also features a display unit which displays images of a variable display game, a single game of which start out with a plurality of symbols being displayed variably and ends with the stopping of the variable display on a plurality of symbols. In reference to fig. 2, Yamaguchi discloses a picture 18, i.e. symbol, is generated on the liquid crystal display (col. 4, lines 9-10), and the symbol, is no longer displayed at the end of the game (col. 4, line 55). Yamaguchi discloses the gaming machine as having a display unit disposed on the reverse face of the gaming board and at least a part of the gaming board is transparent in column 6, lines 10-14; col. 2, lines 12-15.

Additionally, Yamaguchi discloses that the game board includes at least one color and/or at least one pattern in col. 1, lines 17-18, wherein a game board has "decorations such as pinwheels". These pinwheels may be arranged in any manner, comprising a pattern of arrangement. Further, the display unit is configured to display

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anything the game implementor desires to display. For instance, Yamaguchi contemplates configuring the liquid crystal display to display various animation sequences and pictures in accordance with the events of the game (col. 3, lines 39-57; col. 4, lines 55-56, 63-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include colors and/or patterns corresponding to the gaming board as the display disclosed by Yamaguchi is capable of displaying any desired picture, color, pattern, animation sequence, etc. at the discretion of the game implementor.

Yamaguchi discloses "the present invention is a game machine comprising a game board having at least one transparent area over which balls pass, and electronic display device below the transparent area" (col. 2, lines 22-25; emphasis added). Further, col. 4, lines 4-10 recite "In FIG> 1, a reference numeral 1 denotes the frame of the game machine, and a reference numeral 2 denotes a variable display unit of a liquid crystal display disposed on the back of the game board 3 of the pachinko machine" (emphasis added). As shown in Fig. 2, the frame 1 attaches or connects the game board 3 to the variable display unit 2, i.e. to the liquid crystal display unit. Fig. 2 is included herein, with labels added for illustration purposes.



Yamaguchi et al. Fig. 2

Regarding claim 2, Yamaguchi discloses the display unit is disposed to be on the entire reverse face of the gaming board in col. 2, lines 64-67, such that "it may be acceptable to constitute the variable display unit of a size substantially the same as that

of the game board so that the entire surface of the game board becomes the variable display unit".

Regarding claims 3 and 4, wherein the gaming board has a transmittance rate of 30% or more, and further wherein the gaming board has a transmittance rate of 50% or more, col. 2 lines 58-59 disclose that the game board may be wholly transparent. To be "wholly transparent" is to have a 100% transmittance rate, and therefore meets the limitations of having a 30% or more, as well as a 50% or more, transmittance rate.

Regarding claim 5, wherein the gaming board comprises an acrylic resin, Yamaguchi discloses the use of an acrylic resin gaming board in col. 3, lines 3-15.

Regarding claim 6, wherein the part of the gaming board behind which the display unit is disposed has a peg, Yamaguchi discloses the use of nails, i.e. pegs, attached to the gaming board in col. 2, lines 47-48.

Regarding claim 7, wherein the gaming machine further comprises a plurality of displays, Yamaguchi discloses the use of a plurality of displays in col. 3, lines 1-2.

Response to Arguments

Applicant's arguments filed December 26, 2007 have been fully considered but they are not persuasive. Specifically, applicant's argument that Yamaguchi does not teach or suggest a display unit that is attached to a reverse face of a game board is not persuasive. As shown in Fig. 2 of Yamaguchi, reproduced above, the frame member (numeral 1) attaches, i.e. connects, the LCD panel (numeral 2) to the reverse face of the game board (numeral 3). The game board and LCD panel elements are bound

together, or attached, in such a way that the LCD panel is configured to be behind the game board. While Yamaguchi discloses that the game board may be removable from the game machine in col. 2, lines 17-18, the examiner submits that this feature is not intended for use during the actual game play. Yamaguchi describes game play as the present invention is a game machine comprising a game board having at least one transparent area over which balls pass, and electronic display device below the transparent area" (col. 2, lines 22-25; emphasis added), and therefore there would be no reason to remove the game board during game play.

The examiner acknowledges that Yamaguchi "fails to disclose or otherwise suggest any provision of a hole or winning port that penetrates through the variable display unit 2" (Remarks, P. 6). The examiner has not made an assertion of such a feature, as this limitation is not included in applicant's claims. The hole or winning port of Yamaguchi is in the game board (col. 4, lines 21-23), not through the variable display unit disposed behind the game board, in a manner identical to the invention claimed by the applicant.

During game play, the balls pass over the transparent area of the game board (col. 22, lines 22-25). The winning ball guide 9, as stated by applicant (Remarks P. 5), is located between the game board 3 and variable display unit 2, however this element is provided for winning ball guidance, i.e. balls that, during the course of game play, have fallen through a winning hole on the face of the game board 3. This winning ball guide element does not prevent the LCD panel from being attached to the game board as shown in the above Fig. 2.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MEAGAN THOMASSON whose telephone number is (571)272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Meagan Thomasson
March 4, 2008
/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3714